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10/780,330	02/17/2004	Gilbert Wolrich	10559-127002/P7866C	1102
20985	7590	11/26/2007		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER THAMMAVONG, PRASITH	
			ART UNIT 2187	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/780,330

Examiner

Prasith Thammavong

Applicant(s)

WOLRICH ET AL.

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 20 September 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See continuation sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation Sheet

The Amendment filed on 9/20/07 fails to comply with 37 CFR 1.121. The previous claims were from the Preliminary Amendment presented on 2/7/05. Below are examples of why they fail to comply:

Claims 1-27:

As required by section 37 CFR 1.121(c), "Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, **including the text of all pending and withdrawn claims**, in the application." (**emphasis added**). Also, claims 1-27 were listed as "cancelled" on the Amendment dated 6/7/07, but the Amendment dated 9/20/07 are listing claims 1-27 as "withdrawn". Thusly, the Examiner is confused as to the current status of claims 1-27, as the current claims dated 9/20/07, have no text accompanying claims 1-27, but have them currently listed as "withdrawn". The Examiner would like to have some clarification on the status of claims 1-27.

Claim 28:

Last line: The "." seems to be added; however there was a previous "." which was not deleted and it is unclear to the record the status of the ".".

Claim 35:

Last line: The "." seems to be added; however there was a previous "." which was not deleted and it is unclear to the record the status of the ".".

Claim 36:

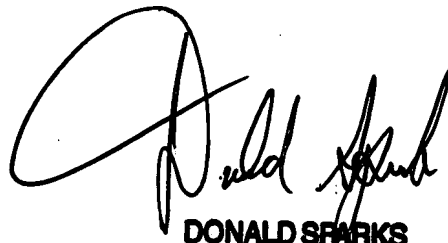
Last line: The "." seems to be deleted and it is unclear to the record the status of the ".".

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Claim 42:

Last line: The "." seems to be added; however there was not a previous "." and it is unclear to the record the status of the ".".

Above are ONLY a few inconsistencies found, but does not comprise all the inconsistencies that do not comply with 37 CFR 1.121 in the amendment dated 9/20/07. Appropriate correction is required.



DONALD SPARKS
SUPERVISORY PATENT EXAMINER